

JPA #92-01

CONSTRUCTION  
INTERGOVERNMENTAL AGREEMENT  
BETWEEN  
THE STATE OF ARIZONA  
AND  
THE CITY OF SHOW LOW

ECS;JPA#: 92-01  
AG Cont#: KR92-1207-TRN  
Proj#: H3192 01C  
Section: City of  
Show Low

THIS AGREEMENT, entered into pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended by and between the STATE OF ARIZONA, acting by and through the ARIZONA DEPARTMENT OF TRANSPORTATION, hereinafter called "STATE", and the CITY OF SHOW LOW, hereinafter called "CITY",

WHEREAS, the STATE is empowered by A.R.S. Section 28-108 to enter into this Agreement and the Director of the ARIZONA DEPARTMENT OF TRANSPORTATION has delegated to the undersigned his authorization to execute this Agreement on behalf of the STATE,

WHEREAS, ~~The CITY~~ is empowered by A.R.S. Section 48-572 to enter into this Agreement, and acting by and through its duly elected governing body, has by that certain resolution attached hereto and incorporated herein as Exhibit "A" resolved to enter into this Agreement and has authorized the undersigned as its representative to execute the same on behalf of said CITY,

WHEREAS, for the safety and protection of the traveling public, it is necessary and desirable that certain improvements and/or modifications be made on the State Highway System in the City of Show Low. This work shall consist of the installation of new traffic signals at the following location:

SR 260 at Jct Show-Low Lake Road/Cub Lake Road

MP 345.60 - City of Show Low

NOW, THEREFORE, in consideration of the mutual covenants hereinafter to be kept by all parties, it is mutually agreed as follows:

1. The STATE shall advertise for bids and award a contract for the installation of the traffic signals and/or highway lighting on SR 260 at Jct Show Low Lake Road/Cub Lake Road in the City of Show Low.

2. The STATE will be responsible for any contractor claims for extra compensation attributable to State.

3. The CITY, upon completion of the work shall reimburse the STATE for 25% of the final construction and engineering costs at SR 260 at Jct Show Low Lake Road/Cub Lake Road MP 345.60, not to exceed \$25,000 for its share of the cost of the work.

4. The CITY will be responsible for any contractor claims for extra compensation attributable to the CITY.

5. This Agreement shall be considered as terminated when all conditions as set forth herein have been complied with and the traffic signals and/or highway lighting are complete, in place, and functional.

6. All parties are hereby put on notice that this Agreement is subject to cancellation by the Governor pursuant to A.R.S. §38-511.

7. The provisions of A.R.S. §35-214 are applicable to this Agreement.

8. In the event of a dispute, the parties agree to use arbitration to the extent required by A.R.S. §12-1518.

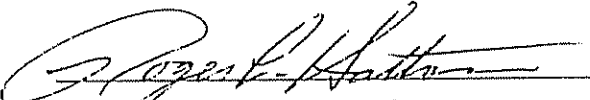
9. This Agreement shall be filed with the Secretary of State and shall become effective upon filing.

10. Attached to this Agreement and incorporated herein by reference is Exhibit "B" which is a copy of the written determination of the appropriate attorney that the CITY is authorized under the laws of this State to enter into this Agreement and that it is in proper form.

STATE OF ARIZONA

ARIZONA DEPARTMENT OF TRANSPORTATION

BY:

  
State Traffic Engineer

DATE:

May 29, 1992

CITY OF SHOW LOW

BY:



TITLE:

Mayor

DATE:

May 19, 1992

EXHIBIT "A"

CITY OF SHOW LOW RESOLUTION NO. 598

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE CITY OF SHOW LOW, ARIZONA APPROVING AN INTERGOVERNMENTAL AGREEMENT AND LETTER ADDENDUM BETWEEN THE CITY OF SHOW LOW AND THE STATE OF ARIZONA, DEPARTMENT OF TRANSPORTATION, FOR THE PURPOSE OF DEFINING RESPONSIBILITIES FOR THE INSTALLATION OF TRAFFIC SIGNALS AT THE JUNCTION OF STATE ROUTE 260 AND SHOW LOW LAKE ROAD/CUB LAKE ROAD AND ADDING SAID TRAFFIC SIGNAL TO MAINTENANCE IGA

RECITALS:

WHEREAS, the City of Show Low has obtained matching funds for the installation of traffic signals at the junction of State Route 260 and Show Low Lake Road/Cub Lake Road. In order to initiate bidding and construction of this project, an Intergovernmental Agreement must be signed by the City of Show Low and State of Arizona for the purpose of defining responsibilities for said installation; and

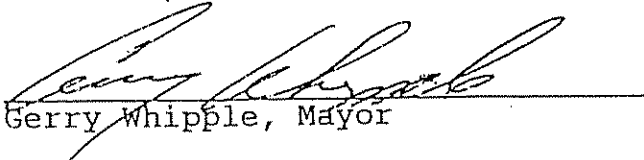
WHEREAS, the City of Show Low and the State of Arizona currently have an agreement for the operation and maintenance of traffic signals and/or highway lighting. In order to ensure that the aforementioned traffic signal is included in the maintenance IGA, a Letter Addendum must be signed by the City of Show Low and the State of Arizona for the purpose of maintenance; and

WHEREAS, the City of Show Low is empowered by Arizona Revised Statutes Section 11-251, and Show Low City Code Section 2-1-2 to enter into an agreement and authorize the Mayor to execute said Agreement on its behalf.

ENACTMENTS:

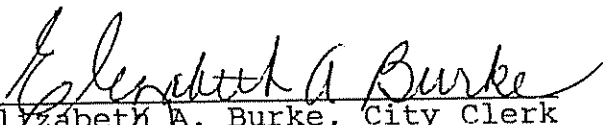
NOW, THEREFORE, BE IT RESOLVED that the Mayor and Common Council of the City of Show Low hereby approve an Intergovernmental Agreement and the Letter Addendum between the City of Show Low and the State of Arizona for the purpose of defining responsibilities for the installation and maintenance of traffic signals at the junction of State Route 260 and Show Low Lake Road/Cub Lake Road.

PASSED AND ADOPTED this 19th day of May, 1992, by the Mayor and Common Council of the City of Show Low, Arizona.

  
Gerry Whipple, Mayor

City of Show Low Resolution No. 598  
Page Two

ATTEST:

  
Elizabeth A. Burke, City Clerk

APPROVED AS TO FORM:

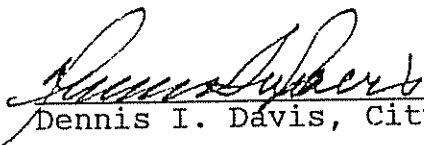
  
Dennis I. Davis, City Attorney

EXHIBIT "B"  
APPROVAL OF THE ATTORNEY

I hereby state that I have reviewed the proposed Construction Intergovernmental Agreement between the State of Arizona, ARIZONA DEPARTMENT OF TRANSPORTATION and the CITY OF SHOW LOW and declare the Agreement to be in proper form and within the powers and authority granted under the laws of the State of Arizona.

DATED this 19th day of May, 19 92.

CITY OF SHOW LOW

BY: \_\_\_\_\_

City Attorney

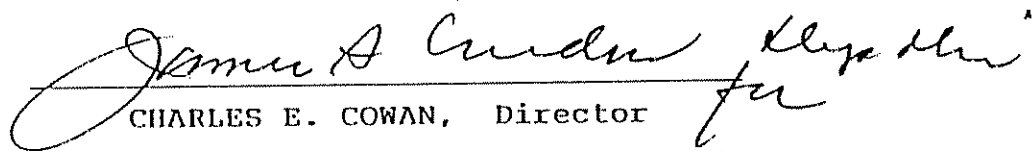
CONSTRUCTION - TRAFFIC SIGNALS

Project No. 260 NA 345 H3192 01C (F-044-1-513)  
SR 260 at Jct Show Low Lake Road/Cub Lake Road

CITY OF SHOW LOW

RESOLUTION

BE IT RESOLVED on this 6 day of Jan, 92, that I, CHARLES E. COWAN, as Director, ARIZONA DEPARTMENT OF TRANSPORTATION, have determined that it is in the best interest of the State of Arizona that the ARIZONA DEPARTMENT OF TRANSPORTATION, acting by and through the Highways Division, enter into a Construction Intergovernmental Agreement with the CITY OF SHOW LOW for the installation of traffic signals and/or highway lighting justified by a signal warrant study. The CITY OF SHOW LOW shall reimburse the STATE for 25% of the final construction and engineering costs not to exceed \$25,000 for its share of the cost of this work. THEREFORE, authorization is hereby given to draft said Agreement which, upon completion, shall be submitted for approval and execution by the State Traffic Engineer.

  
CHARLES E. COWAN, Director  
ARIZONA DEPARTMENT OF TRANSPORTATION



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

GRANT WOODS  
ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX 85007

MAIN PHONE : 542-5025  
TELECOPIER : 542-4085

INTERGOVERNMENTAL AGREEMENT

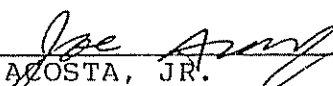
DETERMINATION

A. G. Contract No. KR92- 1207 -TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 13 day of July, 1992.

GRANT WOODS  
Attorney General

  
\_\_\_\_\_  
JOE AZOSTA, JR.  
Assistant Attorney General  
Transportation Section